

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Gleave, et al.	
Application No.: 09/913,325	Group Art Unit: 1635
Filed: 8/10/2001	Examiner: Tracy Vivlemore
Title: TRPM-2 Antisense Therapy	Confirmation No: 8469
Attorney Docket No.: UBC.P-020	
Customer No.: 57381	

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

PETITION FOR CORRECTION TO PATENT TERM ADJUSTMENT (37 CFR § 1.705)

Dear Sir:

In response to the Determination of Patent Term Extension mailed March 21, 2008 for the above-captioned application, Applicants request recalculation of the appropriate extension and allowance of an extension of at least 507 days.

This paper is filed prior to the payment of the issue fee for this application.

It does not appear from the entry on PAIR, that the calculation function for this application was actually run as there are no entries for either Patent Office or Applicant Delay. However, both clearly occurred.

PTO Delays:

37 CFR 1.703 (a)(1)	371 Filing Date:	August 10, 2001
	Filing Date + 14 mo:	October 10, 2002
	First Action Under 132	September 9, 2004
	PTO delay:	750 days

Appln No.: 09/913,325
Amendment Dated: April 24, 2008
Response to Official Action dated June 14, 2007

It is noted that prior to the mailing of the office action, a restriction requirement was mailed on October 3, 2003. This is still over the 14 months, and does not count as an action on the merits under 35 USC § 132 since it did not contain a rejection of the claims. On January 14, 2004, the restriction requirement was withdrawn, and a new restriction requirement was issued. Applicants responded to this in telephone election on January 14, 2004, which is reflected in the Examiner's interview summary mailed July 19, 2004. That interview summary included a supplemental restriction requirement which reflected the discussed during the telephone interview. The supplemental restriction requirement stated that "Applicant's telephonic election is sufficient to fulfill their requirement to respond to this action and the office action mailed January 14, 2004" (Page 2) and set no period for response. Nevertheless, on September 24, 2004, after attempts to contact the Examiner by telephone, a written response was filed to try to move prosecution forward. The first action on the merits was mailed on October 29, 2004. None of the delay during this period is properly attributed to Applicants .

Applicant Delays (Rule 704):


Extension of Time Requested 4/29/05	182 Days
Extension of Time requested 8/30/06	61 Days
Total	243

Term Adjustment Due: 507 days.

This application is not subject to a terminal disclaimer.

The fee under 1.18(e) is enclosed herewith.

Respectfully submitted,



Marina T. Larson Ph.D.
PTO Reg. No. 32,038
Attorney for Applicant
(970) 262-1800